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Attorney for  
Ausencio Alvarez Cortez

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
AUSENCIO ALVAREZ CORTEZ, and  
ANGEL ISMAEL RAMIREZ,  
Defendants. } Case No.: 2:20-CR-229 TLN  
} STIPULATION AND ORDER TO  
} CONTINUE STATUS CONFERENCE  
} Date: June 16, 2022  
} Time: 9:30 a.m.  
} Judge: Hon. Troy L. Nunley

## STIPULATION

The United States of America through its undersigned counsel, James Conolly, Assistant United States Attorney, together with Attorney Dina Santos, counsel for Ausencio Alvarez Cortez, and Attorney Adam Pennella, Counsel for Angel Ismael Ramirez, hereby stipulate the following:

1. The Status Conference was previously set for February 17, 2022. By this stipulation, the parties now move to continue the Status Conference to **June 16, 2022, at 9:30 a.m.** and to exclude time between February 17, 2022, and June 16, 2022, under the Local Code T-4 (to allow defense counsel time to prepare).
2. The parties agree and stipulate, and request the Court find the following:
  - a. A continuance is requested to continue to allow the Defense to meet with the Client, resolve outstanding discovery issues, review discovery, conduct investigation, and discuss a potential resolution.

- 1       b. Counsel for the Defendant believes the failure to grant a continuance in this
- 2               case would deny defense counsel reasonable time necessary for effective
- 3               preparation, taking into account the exercise of due diligence.
- 4       c. The Government does not object to the continuance.
- 5       d. Based on the above-stated findings, the ends of justice served by granting the
- 6               requested continuance outweigh the best interests of the public and the
- 7               defendants in a speedy trial within the original date prescribed by the Speedy
- 8               Trial Act.
- 9       e. For the purpose of computing time under the Speedy Trial Act, 18 United
- 10               States Code Section 3161(h)(7)(A) within which trial must commence, the
- 11               time period of February 17, 2022, and June 16, 2022, inclusive, is deemed
- 12               excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and
- 13               (B)(iv), corresponding to Local Code T-4 because it results from a continuance
- 14               granted by the Court at defendant's request on the basis of the Court's finding
- 15               that the ends of justice served by taking such action outweigh the best interest
- 16               of the public and the defendant in a speedy trial.

- 17       3. Nothing in this stipulation and order shall preclude a finding that other provisions
- 18               of the Speedy Trial Act dictate that additional time periods are excludable from
- 19               the period within which a trial must commence.

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21               **IT IS SO STIPULATED.**

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23               DATED: February 14, 2022

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Phillip Talbert  
United States Attorney

25               /s/ James Conolly  
26               JAMES CONOLLY  
27               Assistant U.S. Attorney

28               DATE: February 14, 2022

/s/ Dina Santos  
DINA SANTOS  
Attorney for Ausencio Alvarez Cortez

1 DATE: February 14, 2022

2 /s/ Adam Pennella  
3 ADAM PENNELLA  
4 Attorney for Angel Ismael Ramirez

7 **ORDER**

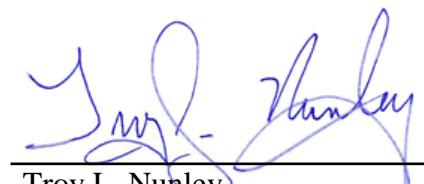
8 The Court has read and considered the Stipulation Regarding Excludable Time  
9 Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby  
10 finds that the Stipulation, which this Court incorporates by reference into this Order,  
11 demonstrates facts that provide good cause for a finding of excludable time pursuant to  
12 the Speedy Trial Act, 18 U.S.C. § 3161.

13 The Court further finds that: (i) the ends of justice served by the continuance  
14 outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to  
15 grant the continuance would deny defense counsel the reasonable time necessary for  
16 effective preparation, taking into account the exercise of due diligence.

17 Nothing in this Order shall preclude a finding that other provisions of the Speedy  
18 Trial Act dictate that additional time periods are excluded from the period within which  
19 trial must commence.

21 **IT IS SO ORDERED.**

23 Dated: February 14, 2022



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24 Troy L. Nunley  
25 United States District Judge  
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